

RECEIVED

FEB - 9 2009

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ROBERT H. SHENWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

**MICKEY CAMPBELL,
O/B/O D. C.**

* **CIVIL ACTION NO. 07-1690**

VERSUS

* **JUDGE DOHERTY**

**COMMISSIONER OF
SOCIAL SECURITY**

* **MAGISTRATE JUDGE HILL**

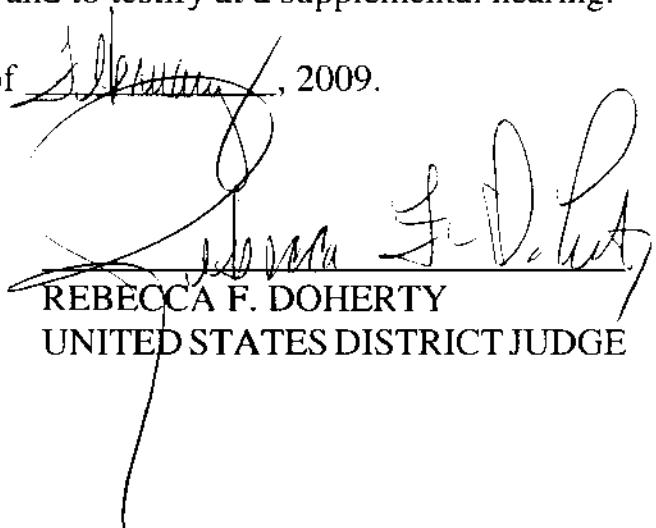
JUDGMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, including the objections filed herein, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Commissioner's decision is **REVERSED** and **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g). This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to give claimant an opportunity to obtain an updated consultative examination regarding his juvenile diabetes and to specifically determine whether he meets the listing under 20 C.F.R.

Part 404, Subpart P, Appendix 1, § 109.08. Claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.²

Lafayette, Louisiana, this 9 day of September, 2009.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE

² Any judgment entered herewith will be a "final judgment" for purposes of the Equal Access to Justice Act (EAJA). See, *Richard v. Sullivan*, 955 F.2d 354 (5th Cir. 1992) and *Shalala v. Schaefer*, 509 U.S. 292 (1993).